IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Summons for Judgment No.807 of 2004
in
Sum Suit No 2264 of 2003

Aruna Ishwarbhai Mehta...Plaintiff

vs

Tulsidas Valji & Co and ors...Defendants

Ms Betty D'Souza for M P Vashi for plaintiffs

Defendant no. 3 and partner of defendant no.l present in person.

Mr M K Jain for defendant no. 4

**CORAM: S.U.KAMDAR J.**

**Dated 5.l0.2005**

P.C:

. The present suit is filed on the basis of a promissory note dated l3.l.2000 which is annexed at Exh A to the plaint.The said promissory note is based on the cash payment of Rs. l lac .Receipt of the said amount is denied by the defendant no 4 who has signed the promissory note. I find there is a specific denial to the receipt of cash amount and thus triable issues arise. In that view of the

matter unconditional leave to defend is granted to the defendants. Summons for judgement is dismissed. Suit is transferred to the list of Commercial Cause. Written statement or points of defence to be filed within four weeks from today. Affidavits,list of documents to be filed within four weeks thereafter. Inspection and discovery within four weeks thereafter. Suit to be listed on board of the learned Judge taking Commercial Cause.